



CITY OF SOMERVILLE, MASSACHUSETTS
MAYOR'S OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT
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Case #: ZBA 2011-79-E1 (12/2014)

Date: December 31, 2014

Recommendation: Approval

PLANNING STAFF REPORT

Site: 485 Mystic Valley Parkway

Applicant & Owner Name: Somerville Housing Authority

Applicant & Owner Address: 30 Memorial Road Somerville, MA 02145

Agent: Peter Freeman

Agent Address: 86 Willow Street Yarmouth Port, MA 02675

Alderman: Katjana Ballantyne

Legal Notice: Applicant and Owner, the Somerville Housing Authority, seek a time extension (SZO §5.3.10) to a Comprehensive Permit (#ZBA 2011-79) under M.G.L. Chapter 40B for an Inclusionary Housing Development. The approval was for 60 affordable one-bedroom residential dwelling units for seniors and person with disabilities in two buildings. The project would consist of the redevelopment and conversion of the existing Mystic Water Works into a 25 affordable housing unit rental apartment building and the demolition of the existing office and garage outbuilding to be replaced with a newly constructed 35 affordable housing unit rental apartment building. The Applicant is requesting waivers from various sections of the City's ordinances and requirements, including but not limited to waivers from the following sections of the SZO: §4.4.1, §4.5.3, §7.2, §7.3, §7.9, §7.11, §8.5.B, §8.5.C, §8.5.E, §8.5.F, §8.5.I, §9.4, §9.5.1.b, §9.6.1, §9.9, §9.11, §9.15, §10.5, and §10.6. RA zone. Ward 7.

Dates of Public Hearing: Zoning Board of Appeals – January 7, 2014

I. PROJECT DESCRIPTION

1. Subject Property: The Applicant received a comprehensive permit in 2012 to redevelop 485 Mystic Valley Parkway. The subject property is a 61,179 square foot parcel at the intersection of Alewife Brook Parkway / Mystic Valley Parkway / Capen Street. There is an existing building on the lot, the Mystic Water Works pump house which is listed on the State and National Registers of Historic Places and is a contributing resource within several historic districts. The building has 13,110 net square



feet and a flat roof. The second structure on the lot is a one story brick office/garage outbuilding at the rear of the property with 1,600 net square feet. Directly behind this property is the adjacent development at Capen Court which is an affordable senior living facility operated by an affiliate of the Applicant and also contains an assisted living facility developed by the Visiting Nurse Association.

The comprehensive permit, ZBA 2011-79, allowed for the construction of 60 affordable housing units for seniors and person with disabilities in two buildings. The Mystic Water Works pump house will be rehabbed and a new building will be built where the existing garage is in the rear of the lot.

2. Nature of Application:

State Law MGL 760 CMR 26 provides that:

If construction authorized by a Comprehensive Permit has not begun within three years of the date on which the permit becomes final except for good cause, the permit shall lapse. This time period shall be tolled for the time required to pursue or await the determination on any appeal on any other state or federal permit or approval required for the Project. The Board or the Committee may set a later date for lapse of the permit, and it may extend any such date. An extension may not be unreasonably denied or denied due to other Projects built or approved in the interim. Extension of a permit shall not, by itself, constitute a substantial change pursuant to 760 CMR 56.07(4).

Permit #2011-79 will expire on January 18, 2015. The Applicant is seeking a two year extension to January 18, 2017.

II. EVALUATION & FINDINGS FOR EXTENSION

Demonstration of Hardship

The state law allows permits to lapse after three years except for 'good cause.' SZO §5.3.10 cites four examples of "hardship": financing problems, labor strike, bad weather conditions, and act of God.

The biggest hardship for the Applicant is financing the project. They have applied twice to the Massachusetts Department of Housing and Community Development but have been unable to secure the tax credits needed for the project. In discussions with the DHCD, they indicated that there is a good chance that the project will be approved for the credits in the next application round. After the tax credits are secured, equity investors are needed to purchase the credits and to obtain construction and permanent financing. The Somerville Housing Authority believes that they will be ready to start construction in the spring or summer of 2016.

Planning Staff finds that the Applicant encountered issues that constitute good cause and hardship which prevented the commencement of construction under the permit.

III. RECOMMENDATION

Planning Staff recommends that the Board grant the extension of the comprehensive permit, with all original conditions, until January 18, 2017.